

AMENDED IN ASSEMBLY JULY 7, 2005

AMENDED IN SENATE APRIL 27, 2005

AMENDED IN SENATE APRIL 11, 2005

AMENDED IN SENATE MARCH 16, 2005

SENATE BILL

No. 156

**Introduced by Senator Soto
(Coauthor: Senator Alquist)**

(Coauthors: Assembly Members Benoit, Koretz, Mountjoy, and
Mullin)

February 8, 2005

An act to amend Sections 597b and 597j of, and to repeal and add Section 597c of, the Penal Code, relating to animal fighting exhibitions.

LEGISLATIVE COUNSEL'S DIGEST

SB 156, as amended, Soto. Animal fighting exhibitions.

Existing law generally prohibits persons from causing or permitting specified animals to engage in fighting, and prohibits owning or training specified animals for those purposes. Existing law provides that these offenses are misdemeanors with various penalties, and that subsequent violations of these provisions are misdemeanors with additional specified penalties.

This bill would increase the penalties for the misdemeanors and would provide that subsequent violations of these provisions shall be misdemeanors or felonies with prescribed penalties.

By changing the definition of existing crimes, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 597b of the Penal Code is amended to
2 read:

3 597b. (a) Except as provided in subdivisions (b) and (c), any
4 person who, for amusement or gain, causes any bull, bear, or
5 other animal, not including any dog, to fight with like kind of
6 animal or creature, or causes any animal, including any dog, to
7 fight with a different kind of animal or creature, or with any
8 human being, or who, for amusement or gain, worries or injures
9 any bull, bear, dog, or other animal, or causes any bull, bear, or
10 other animal, not including any dog, to worry or injure each
11 other, or any person who permits the same to be done on any
12 premises under his or her charge or control, or any person who
13 aids, abets the fighting or worrying of an animal or creature, is
14 guilty of a misdemeanor punishable by imprisonment in a county
15 jail for a period not to exceed one year, by a fine not to exceed
16 five thousand dollars (\$5,000), or by both that imprisonment and
17 fine.

18 (b) Any person who, for amusement or gain, causes any cock
19 to fight with another cock or with a different kind of animal or
20 creature or with any human being; or who, for amusement or
21 gain, worries or injures any cock, or causes any cock to worry or
22 injure another animal; and any person who permits the same to
23 be done on any premises under his or her charge or control, and
24 any person who aids or abets the fighting or worrying of any
25 cock is guilty of a misdemeanor punishable by imprisonment in a
26 county jail for a period not to exceed one year, or by a fine not to
27 exceed five thousand dollars (\$5,000), or by both that
28 imprisonment and fine.

1 (c) A second or subsequent conviction of this section is a
2 misdemeanor or a felony punishable by imprisonment in a county
3 jail for a period not to exceed one year or the state prison for 16
4 months, two, or three years, by a fine not to exceed twenty-five
5 thousand dollars (\$25,000), or by both that imprisonment and
6 fine.

7 (d) For the purposes of this section, aiding and abetting a
8 violation of this section shall consist of something more than
9 merely being present or a spectator at a place where a violation is
10 occurring.

11 SEC. 2. Section 597c of the Penal Code is repealed.

12 SEC. 3. Section 597c is added to the Penal Code, to read:

13 597c. Any person who is knowingly present as a spectator at
14 any place, building, or tenement for an exhibition of animal
15 fighting, or ~~how~~ who is knowingly present at that exhibition or is
16 knowingly present where preparations are being made for the
17 acts described in subdivision (a) or (b) of Section 597b, ~~or as~~
18 ~~described in Section 597j~~, is guilty of a misdemeanor ~~punishable~~
19 ~~by imprisonment in a county jail for a period not to exceed one~~
20 ~~year, by a fine not to exceed five thousand dollars (\$5,000), or by~~
21 ~~both that imprisonment and fine.~~

22 SEC. 4. Section 597j of the Penal Code is amended to read:

23 597j. (a) Any person who owns, possesses, keeps, or trains
24 any bird, cock, or other animal with the intent that it be used or
25 engaged by himself or herself, by his or her vendee, or by any
26 other person in an exhibition of fighting as described in Section
27 597b is guilty of a misdemeanor punishable by imprisonment in
28 a county jail for a period not to exceed one year, by a fine not to
29 exceed five thousand dollars (\$5,000), or by both that
30 imprisonment and fine.

31 (b) This section shall not apply to an exhibition of fighting of
32 a dog with another dog.

33 (c) A second or subsequent conviction of this section is a
34 misdemeanor or a felony punishable by imprisonment in a county
35 jail for a period not to exceed one year or the state prison for 16
36 months, two, or three years, by a fine not to exceed twenty-five
37 thousand dollars (\$25,000), or by both that imprisonment and
38 fine.

39 SEC. 5. No reimbursement is required by this act pursuant to
40 Section 6 of Article XIII B of the California Constitution because

1 the only costs that may be incurred by a local agency or school
2 district will be incurred because this act creates a new crime or
3 infraction, eliminates a crime or infraction, or changes the
4 penalty for a crime or infraction, within the meaning of Section
5 17556 of the Government Code, or changes the definition of a
6 crime within the meaning of Section 6 of Article XIII B of the
7 California Constitution.

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